

RESTRICTIVE COVENANT AMENDMENT REVIEW SHEET

CASE: C2-66-001 (RCA) – Verde Ladera

Z.P.C. DATE: July 17, 2007

ADDRESS: 7312, 7340, 7420, 7520 and 7700 IH-35 Service Road Southbound

OWNER: Commemorative Brands, Inc.
(Sherice P. Bench)

AGENT: Drenner & Golden Stuart
Wolff LLP (John Donisi)

EXISTING ZONING: LI **PROPOSED ZONING:** MF-4-CO **AREA:** 20.314 acres

SUMMARY STAFF RECOMMENDATION:

Staff recommends an Amendment to terminate the Restrictive Covenant as it applies to the subject property.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

July 17, 2007: *APPROVE STAFF'S RECOMMENDATION TO TERMINATE THE RESTRICTIVE COVENANT AMENDMENT.*

[J. MARTINEZ, S. HALE 2ND] (7-0-1) C.HAMMOND – ABSTAINED

ISSUES:

The Circle S Neighborhood Association has provided a letter of support for the rezoning and Restrictive Covenant Amendment applications, attached at the back of the Staff packet. The Applicant has also entered into a private Restrictive Covenant with the Circle S Neighborhood Association.

DEPARTMENT COMMENTS:

The subject rezoning area represents an undeveloped portion of the 51.77 acre Commemorative Brands (a class ring manufacturing company) property, and has been zoned limited industrial services (LI) district within an attached Planned Development Area (PDA) since 1966. A companion rezoning case is being considered for multi-family residence (MF-4-CO), in order to provide the opportunity for 300 apartment units to be constructed, in buildings up to 45 feet in height. Please refer to Exhibit A (Zoning Map).

The Restrictive Covenant attached to the 1966 PDA carries several provisions. In summary, these provisions include: 1) prohibiting residential use; 2) prohibiting outdoor storage; 3) defining permitted uses; 4) limiting building height to 45 feet and building cover to 35%; 5) restricting the amount of parking on site; 6) limiting signage location and type; 7) limiting the number of access points to Circle S Road and IH-35; 8) prohibiting dangerous or objectionable operations; and 9) outlining the amendment procedure. A copy of the recorded Restrictive Covenant is provided as Exhibit B.

A Restrictive Covenant Amendment (RCA) request has been filed to delete the Covenant as it applies to the subject property. Staff supports the Amendment request which would allow for the proposed residential development to occur, as follows: 1) there are multi-family residential uses in proximity to this site; 2) the proposed height limit of 45 feet is compatible with that allowed by the surrounding zonings and corresponds with that allowed by the Restrictive Covenant that covers the remainder of the Commemorative Brands property; and 3) building cover will be limited as a significant portion of the property is undevelopable due to the application of the critical water quality zones and water quality transition zones on the southern portion of the property, and setbacks from the two pipelines that extend through the northern portion of the property.

EXISTING ZONING AND LAND USES:

| | ZONING | LAND USES |
|--------------|---------------|---|
| <i>Site</i> | LI | Undeveloped |
| <i>North</i> | LI | Undeveloped |
| <i>South</i> | SF-3; GR | South Boggy Creek; Offices; Church and parking areas; Undeveloped |
| <i>East</i> | N / A | IH-35 Service Road and main lanes |
| <i>West</i> | GR; SF-2; LI | Undeveloped; Cemetery; Class ring company |

AREA STUDY: N / A

TIA: Is not required

WATERSHED: South Boggy Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

26 – Far South Austin Community Association
 96 – Southeast Corner Alliance of Neighborhoods
 300 – Terrell Lane Interceptor Association
 428 – Barton Springs / Edwards Aquifer Conservation District
 511 – Austin Neighborhoods Council 627 – Onion Creek Homeowners Association
 646 – Circle S Ridge Neighborhood Association
 742 – Austin Independent School District
 786 – Home Builders Association of Greater Austin
 948 – South by Southeast Neighborhood Organization

SCHOOLS:

Pleasant Hill Elementary School Bedichek Middle School Crockett High School

CASE HISTORIES:

| NUMBER | REQUEST | COMMISSION | CITY COUNCIL |
|---|--|---|---|
| C14-06-0135 – Private Mini Storage | SF-2; SF-3 to CS | Withdrawn by the Applicant prior to consideration of the item (10-3-06). | Not Applicable |
| C14-06-0078 – South IH-35 Transit Facility | GR to LI-PDA | To Grant LI-PDA with 3 conditions of the Environmental Board | Approved LI-PDA as ZAP recommended on 1st Reading 11-16-06; Scheduled for 2 nd / 3 rd Readings on 11-8-07. |
| C14-03-0092 – Hackney south side of Chaparral | SF-2; SF-3 to LO-MU-CO, as amended from CS | To Grant LO-MU-CO with the CO prohibiting access to Chaparral. | Denied LO-MU-CO, therefore SF-2 and SF-3 are maintained (11-20-03). |
| C14-79-288 – Corner of IH-35 and Chaparral Road | Interim “A” Residence, Interim First Height and Area to “C” Commercial, First Height and Area | Granted “C” Commercial, First Height and Area for all of property, save and except a 10 foot strip along the westernmost and northernmost boundaries that was approved for “A” Residence, First Height and Area | Approved PC recommendation (2-14-80) |
| C14-78-230 – Corner of IH-35 and Corral Lane | Interim “AA” Residence, Interim First Height and Area to “C” Commercial, First Height and Area | | Approved “C” Commercial, First Height and Area, save and except the western 10’ and the southern 25’ which was approved for A” Residence, First Height and Area (5-3-79). |
| C14-84-232 – 2 adjacent lots on north side of Corral Lane | Interim “AA” First Height and Area to “A” Residence, First Height and Area | Approved “A” Residence, First Height and Area (9/5/84) | Approved “A” Residence, First Height and Area (11/15/84) |

RELATED CASES:

The property was annexed in 1962. Three other amendments to the PDA have been approved between 1969 and 1981: 1) an additional access to Circle S Road was allowed

(1969); 2) an additional access to Corral Road was allowed to serve as a corporate parking lot (1974); and 3) the original site plan was substituted, it was confirmed that property remains subject to the PDA, and that the PDA was consistent with the Austin Tomorrow Comprehensive Plan (1981).

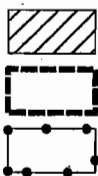
The rezoning area consists of Lots 4A, 5A and 6A, and a portion of Lots 7A and 8A of the Amended Plat of Lots 2, 4, 5, 6, 7 and 8 of the Lenox Industrial Park Subdivision, recorded on July 11, 2003 (C8-03-0050.0A). There are no pending site plan applications on the subject property.

There is a related rezoning case to the multi-family residence (moderate – high density) – conditional overlay (MF-4-CO) to allow for the construction of 300 apartments in buildings up to 45 feet in height (C14-2007-0032).

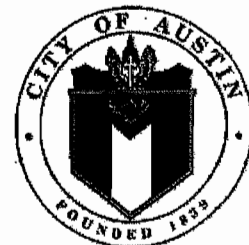
CITY COUNCIL DATE: August 23, 2007 **ACTION:**

ORDINANCE NUMBER:

CASE MANAGER: Wendy Walsh **PHONE:** 974-7719 e-mail: wendy.walsh@ci.austin.tx.us



1" = 400'



This map has been produced by G.I.S. Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

PLANNED DEVELOPMENT AREA

MEENAS, the McRiff Jones Company, a corporation chartered under the laws of the State of Indiana, has expressed its desire to establish and operate a plant for the manufacture of certain items, hereinbelow more specifically designated, at a location South of Austin, bounded on the north by Corral Lane, on the West by Circle S Road, on the South by Boggy Branch, and on the East by the Interregional Highway, a plat of said location marked Exhibit A is attached hereto and made a part hereof; and,

WHEREAS, it is recognized by the City of Austin and by the said Herff Jones Company, that said plant will be within the sphere of influence of the City of Austin, dependent on said City, among other things, for its labor market and utility systems, and that the City of Austin, in turn, will be affected by such development in terms of necessary expansion of utility services, transportation systems, effect of such a plant on outlying areas of the City in the vicinity of said plant, and effect upon future expansion of the City, and it is therefore recognized that the proposed plant is and should be within the area envisioned by the Austin Development Plan as adopted on June 8, 1961, by the Austin City Council, and

WHEREAS, due to the existing development in the vicinity of the proposed plant and the peculiar problems attendant to the introduction of a plant of this nature into such an area, the Herff Jones Company has requested that the plant be designated "Planned Development" under the Austin Development Plan; and, said Herff Jones Company has agreed to the foregoing rules which are made a part of this instrument in accordance with the plan of the Herff Jones Company means of the Austin Development Plan; and, said Herff Jones Company has agreed to the foregoing rules;

3.2.2. *Intentional and unintentional disclosure* – The second dimension of the model is the distinction between intentional and unintentional disclosure. Intentional disclosure is defined as the disclosure of information by an individual who is aware of the disclosure and the information being disclosed. Unintentional disclosure is defined as the disclosure of information by an individual who is not aware of the disclosure or the information being disclosed.

DEE RECORDS
7145 1/2 E. 12TH AVE. #100
DENVER, CO 80202
(303) 733-1100

EXHIBIT B - RECORDED
CONSIGNMENT

4. Means of providing for streets, public utilities, public facilities, open areas, services and such other elements as may be deemed necessary in determining the nature and feasibility of the Planned Development; Now, Therefore,

WITNESSETH:

The Herff Jones Company hereby agrees to the following provisions in respect to its development of the tract of land shown on Exhibit A, attached hereto, and the City of Austin consents and agrees as well to this and to any obligation it may incur hereby, said tract of land being more specifically described as follows, to wit:

All that certain lot, tract or parcel of land lying and being situated in Travis County, Texas, and more particularly described as follows:

51.77 acres of land, more or less, out of the William Cannon League, Travis County, Texas, and more particularly described by metes and bounds in Deed from Myers A. Parsons to Herff Jones Company, dated June 28, 1966, and recorded in Volume 3147, page 99 of the Deed Records of Travis County, Texas, to which reference is made for all purposes.

A. USES:

(1) No residential use shall be permitted within the area except for watchman or custodian in conjunction with the industrial use proposed.

(2) No outdoor storage or display of material or products shall be permitted.

(3) Uses permitted shall include

Offices, financial and related facilities

Business services

Storage and warehousing

Wholesale distribution

Manufacturing or processing as follows:

(a) All operations shall be within a fully enclosed building

(b) All operations shall be within a fully enclosed building

(c) All operations shall be within a fully enclosed building

(d) All operations shall be within a fully enclosed building

(e) All operations shall be within a fully enclosed building

(f) All operations shall be within a fully enclosed building

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Travis County, Texas

3194 2079

B. HEIGHT AND SETBACK PROVISIONS:

- (1) Building Height: 45 feet, but when set back from all property lines, buildings may exceed this height by one foot for each one foot of additional setback. This height limitation does not apply to signs or water towers.
- (2) Set Back: As shown on site plan.
- (3) Coverage: Not more than 35% of the area described herein shall be covered by buildings.

C. SIGNS:

- (1) Advertising signs shall not be located adjacent to residential development, except for those products produced on site.
- (2) Flashing lights shall not be used on any signs designed to be viewed beyond the premises described herein.

D. OFF-STREET PARKING:

- (1) Administration offices and related facilities: One (1) automobile parking space for each 300 square feet of floor area shall be provided.
- (2) Manufacturing and warehousing and other uses: One (1) automobile parking space for each 500 square feet of floor area shall be provided.
- (3) Offstreet loading: As shown on plan.

E. PERFORMANCE STANDARDS:

- (1) General: No land or structure in this Planned Development Area shall be used or occupied in any manner so as to create an dangerous, injurious, noxious, or otherwise objectionable noise, smoke, dust or other form of air pollution, liquid or solid refuse or wastes, or other substance, condition, or element in such a manner or in such amount as to interfere with or affect any use or premises within the planning area. The foregoing shall not be interpreted to exclude nuisances or objectionable elements.
- (2) Location of nuisances are to be made for improvement Standard.

a. Noise, vibration and other conditions from the use of any building, structure, or other facility shall not be such as to interfere with or affect any use or premises within the planning area.

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Iron County, Tenn

3194 2080

has the highest readings, and at any other points where the existence of such elements may be more apparent.

b. Smoke, Toxic, and Noxious Matter: At the place of emission into the atmosphere.

- (3) Noise: At the points of measurement, the maximum sound pressure level radiated by any use or facility (other than transportation facilities or temporary construction work) shall not exceed the decibel limit values for the octave bands given in Table I. The sound pressure level shall be measured with a Sound Level Meter and associated Octave Band Analyzer conforming to standards prescribed by the American Standards Association. (American Standard Sound Level Meters for Measurement of Noise and Other Sounds, 224.3-1944, American Standards Association, Inc., New York, N.Y., and American Standard Specification for an Octave-Band Filter Set for the Analysis of Noise and Other Sounds, 224.10-1953, American Standards Association, Inc., New York, N.Y., or latest approved revisions thereof on the date of adoption of this Ordinance shall be used.)

TABLE I

| From Stand. | Ranges Containing Octave Bands in Cycles per Second | Octave Band Sound Pressure Level in Decibels re 0.0002 dyne/square centimeter |
|----------------|---|---|
| 20 | to 25 | 72 |
| 25 | to 31.5 | 67 |
| 31.5 | to 39.8 | 59 |
| 39.8 | to 50.1 | 56 |
| 50.1 | to 63.1 | 53 |
| 63.1 | to 79.6 | 50 |
| 79.6 | to 100 | 44 |
| 100 | to 125 | 38 |

On the first day of 10:00 p.m. and 0:00 a.m. the sound level shall be three decibels less than shown above.

On the first day of 10:00 p.m. and 0:00 a.m. the sound level shall be three decibels less than shown above.

- (4) The sound level at the points of measurement shall not exceed the sound level shown in Table I at any time during the day.

DEED RECORDS
JANUARY 1951

3194 2051

in Column I below, for the area in which located, unless the point of measurement is located on a property line which is also the boundary line of a residential area or within eighty feet of a residential area boundary line which is located within a street right-of-way, in which case the limits set forth in Column II below shall apply.

TABLE II

| Frequency Cycles per Second | Column I* Displacement (inches) | Column II* Displacement (inches) |
|--------------------------------|------------------------------------|-------------------------------------|
| 0 to 10 | .0010 | .0004 |
| 10 to 20 | .0008 | .0002 |
| 20 to 30 | .0005 | .0001 |
| 30 to 40 | .0004 | .0001 |
| 40 and over | .0003 | .0001 |

(5) Glare: Any operation or activity producing intense glare shall be performed in such a manner as not to create a nuisance or hazard across lot lines. Direct illumination from any source of light or direct welding flash shall be screened from adjoining properties and reflected light from these sources shall not exceed 0.4 foot candles across the source property line.

(6) Smoke and Particulate Matter: Smoke emitted from any vent, stack, chimney, skylight, window, building opening, or combustion process shall not exceed an opacity of Ringelmann No. 1 as observed on the Ringelmann Chart. However, once during any six-hour period, Ringelmann No. 2 will be permitted but not for longer than five minutes.

The emission of particulate matter from all sources shall not exceed one pound per acre of property within the boundary of any plat site under consideration during any one hour. For coarser than fine dust emissions shall be limited to 0.05 pound per acre of property during any one hour.

Operation of stationary combustion units producing or dust causing conditions of operations such as sandblasting, painting, grinding, and other operations shall

be so conducted that such dusts do not cross lot lines in concentrations exceeding one million particles per cubic foot when measured at ground level or habitable elevation, at or beyond the lot line, whichever is more restrictive.

- (7) Toxic and Noxious Matter: In no case shall the concentrations of toxic or noxious matter be released across source lot lines which will exceed ten percent of the concentration (exposure) considered as the threshold limit for an industrial worker. Reference is made to the most recent publication, at the time of adoption of this Ordinance, of "Threshold Limit Values", adopted by the Texas State Board of Health in accordance with authority granted in Article 448d of the Revised Civil Statutes of Texas.

- (8) Fire and Explosive Hazards: Activities involving the storage and utilization of materials or products which decompose by detonation are permitted only when specifically approved by the City of Austin Fire Department. Such materials shall include but are not limited to all primary explosives such as lead azide, lead styphnate, fulminates and tetrazene; all high explosives such as TNT, RDX, PETN, and picric acid; propellants and components thereof such as nitrocellulose, black powder, boron hydrides, hydrazine and its derivatives; pyrotechnics and fire works such as magnesium powder, potassium chlorate, and potassium nitrate; blasting explosives such as dynamite and nitroglycerin; unstable organic compounds such as acetylides, diazo compounds, and ozonides; strong oxidizing agents such as perchloric acid, perchlorates, chlorates, and hydrogen peroxide in concentrations greater than thirty-five percent; and nuclear fuels, fissionable materials and products, and reactor elements such as uranium, plutonium, and thorium.
- Explosive and flammable materials and their utilization in accordance with the provisions of the State and Federal laws.

All applications for uses involving fire and explosive hazards may be referred to the office of the City of Austin Fire Department for approval. Such approval shall indicate compliance with all applicable fire codes and ordinances of the City of Austin and shall be indicated on the application within ten days from the date such application was made in the office of the Building Inspector.

- (9) Liquid or Solid Wastes: No discharge shall be made into a public sewer, any private sewage disposal system, stream, or into the ground unless in accordance with the standards approved by the City of Austin, which, because of the nature or temperature of the material discharge can contaminate any water supply, interfere with the bacterial processes in sewage treatment, or otherwise cause the emission of dangerous or offensive elements.

G. STREETS, UTILITIES AND OTHER FACILITIES:

- (1) Streets and Utilities: Easements for utilities and streets shall be granted in accordance with site plan attached hereto at such time as it is determined by the City of Austin that they are needed. Provision shall be made by the City of Austin for water, electricity, sewerage and garbage disposal in accordance with its usual rates, procedures and policies as necessary for the proper development of the area.
- (2) Access: Developer will open and maintain only the street accesses shown on Exhibit "A" to wit: two accesses to Circle 5 Road, and one to the Interregional Highway, at the appropriate location shown thereon, and no other. Provided, however, that should additional access be deemed advisable, approval of the City Manager of the City of Austin shall be obtained in addition to such other authorities as may be required by law.

II. ENFORCEMENT:

The land to be developed hereby shall be developed only in accordance with this plan and the provisions made herein shall be binding on the Herff Jones Company, its successors and assigns. Enforcement of the provisions herein may be by the City of Austin, or by any person adversely affected by any violation thereof in a court of competent jurisdiction in law or equity.

I. AMENDMENT:

- (1) Amendments of the obligations, conditions, covenants or restrictions of this plan may be granted upon application of Herff Jones Company, its successors or assigns, to the City Manager or person designated by him, provided such amendments are consistent with the purposes and intent of the Austin Development Plan and of this instrument; further provided however, that amendments making changes in permitted uses, height and coverage for the area may be had only through the procedure for amendments to the Austin Development Plan.
- (2) Appeal to the City Council may be had from any refusal to grant such application for amendments should Herff Jones Company, or its successors or assigns be dissatisfied with a decision of the City Manager, or person designated by him, upon application for amendment in accordance with Paragraph (1) above.
- (3) Any amendment of this instrument shall become a part hereof and shall have the same force and effect of the basic instrument.

J. EFFECTUATION:

The provisions herein shall become effective upon approval by the City Council of the City of Austin of this agreement and its adoption of a Planned Development Area designation for the property in question and upon execution hereof by the parties. In the event that Herff Jones Company fails to execute and record a declaration of the area as planned development within the City of Austin within the time specified in this fact, and thereafter the designation of such area shall be considered by the Planning

DEED RECORDS
Tarrant County, Texas

3194 2055

Commission and the City Council, within a reasonable period of time, to establish the proper designation under the Austin Development Plan, and this agreement shall remain in force and effect until such designation is made. Thereafter this agreement shall have no force and effect.

EXECUTED this the 27 day of September, 1966.

HERFF JONES COMPANY

ATTEST:

Paul H. Warren
Secretary

J. T. Kaugh
J. T. Kaugh, President

ACCEPTED:

CITY OF AUSTIN

BY [Signature]
City Manager

(CORPORATE SEAL)

THE STATE OF TEXAS

I

COUNTY OF TRAVIS

I

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared J. T. Kaugh, known to me to be the, whose name is subscribed to the foregoing instrument as President of Herff Jones Company, and acknowledged to me that he executed the same in such capacity as the act and deed of said corporation for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 27th day of September, 1966.

(NOTARY SEAL)

Paul H. Warren
County

THE STATE OF TEXAS

I

COUNTY OF TRAVIS

I

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared J. T. Kaugh, known to me to be the, whose name is subscribed to the foregoing instrument as President of Herff Jones Company, and acknowledged to me that he executed the same in such capacity as the act and deed of said corporation for the purposes and consideration therein expressed.

DEED RECORDS 8144 2056

as City Manager of the City of Austin, Texas, a municipal corporation, and
acknowledged to me that he executed the same in such capacity as the act and
deed of said City of Austin for the purposes and consideration therein ex-
pressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 4th day of October
1965.

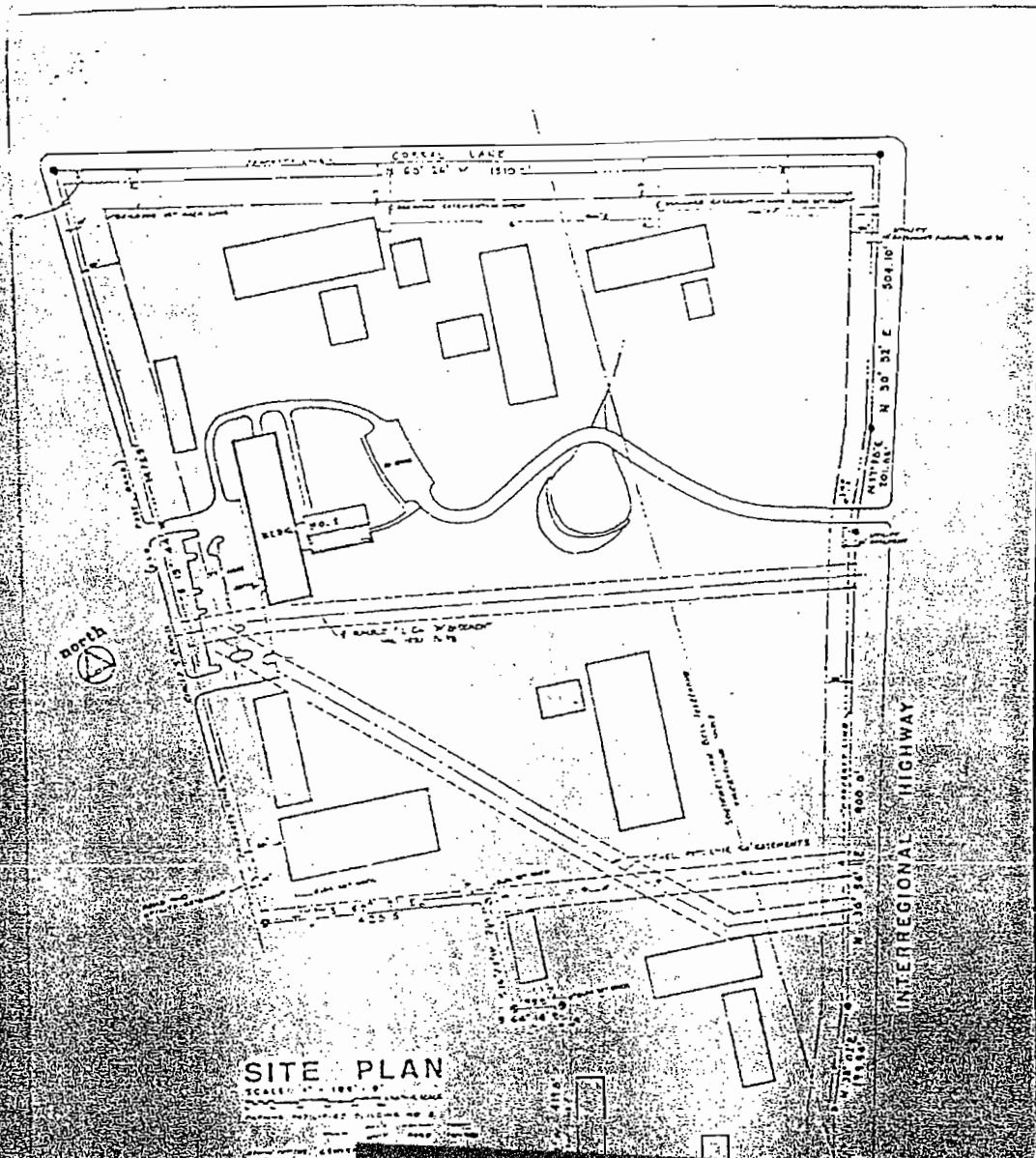
(NOTARY SEAL)

Neel McConnell
Notary Public in and for Travis
County, Texas.

26SEP66
11CC:bn

DEED RECORDS
Travis County, Texas

3194 2057



SITE PLAN

SCALE: 1" = 100' 0"

DATE: 10/10/80

DESIGNED BY: [REDACTED]

DRAWN BY: [REDACTED]

CHECKED BY: [REDACTED]

APPROVED BY: [REDACTED]

DEED

319

FILED

Oct 14 3 00 PM '66

Emilie L. Hinkley
COUNTY CLERK
TRAVIS COUNTY, TEXAS

[Handwritten signature]

C. L. Hinkley

STATE OF TEXAS COUNTY OF TRAVIS
I, Emilie L. Hinkley, County Clerk of Travis County, Texas, do hereby certify that the foregoing was filed on the 14th day of October, 1966, and was duly recorded in the Public Records of Travis County, Texas, at 3:00 PM, 1966.

OCT 18 1966



Emilie L. Hinkley
COUNTY CLERK
TRAVIS COUNTY, TEXAS

DEED RECORDS
TRAVIS COUNTY, TEXAS

35134 2059

May 30, 2007

Mr. Greg Guernsey
Neighborhood Planning and Zoning Department
City of Austin
505 Barton Springs Road
Austin, TX 78704

VIA HAND DELIVERY

RE: Verde Ladera – Proposed Amendment to Restrictive Covenant recorded in
Volume 3194, Page 2078 located at 7312, 7340, 7420, 7520 and 7700 South
Interstate Highway 35

Dear Mr. Guernsey:

As representatives of the prospective purchaser of the above stated Property, we respectfully submit the enclosed restrictive covenant amendment application. The owner of the Property, Commemorative Brands, is requesting an amendment of the industrial Planned Development Agreement restrictive covenant to delete 20.31 acres out of the original 51.77-acre tract. Our client, Verde Apartment Communities, Inc., is proposing a multifamily development on the Property, which does not require the same restrictions as an industrial development.

Copies of the original restrictive covenant and the proposed restrictive covenant amendment document are enclosed for your review. Please let me know if you need copies of the three restrictive covenant amendments that were approved in 1969, 1974 and 1981.

The restrictive covenant was filed as part of an LI zoning application in 1966. At that time, Artcarved was proposing to construct a class ring manufacturing facility. The LI zoning was approved and a Planned Development Agreement restrictive covenant was recorded that prohibited certain land uses, restricted building height and limited access points. Please review the attached summary of the restrictions. The proposed amendment to the restrictive covenant does not affect the remainder of the Commemorative Brands property.

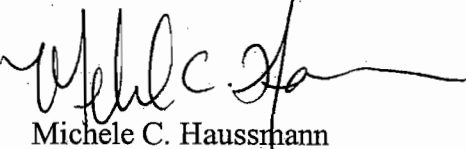
Mr. Greg Guernsey

March 28, 2007

Page 2

This application should be processed concurrently with zoning case C14-2007-0032, which is the request from LI to MF-4 on the 20.31-acre tract. Please let me know if you or your team members require additional information or have any questions. As we previously discussed, we understand that the two cases will be scheduled on the June 19, 2007 Zoning and Platting Commission agenda. Thank you for your time and attention to this request.

Very truly yours,



Michele C. Hausmann

cc: Wendy Walsh, Neighborhood Planning and Zoning Department, via hand delivery with enclosures
Kris Kashata, Verde Apartment Communities, via electronic mail
kris.kashata@verdeapartments.com, without enclosures
Rupert Hays, Verde Apartment Communities, via electronic mail
rupert@trustfinancial.us, without enclosures
Steve Drenner, Firm, without enclosures

REQUEST FOR POSTPONMENT

CASE # C2-66-001 Scheduled for 7.17.07

PROJECT: VERDE LADERA

To: Wendy Walsh

The Circle S Ridge Neighborhood Assc. is requesting a postponement of this scheduled zoning case. We been in discussions with the projects representatives and it is going well but the neighborhood feels we have not reached a full understanding and agreement of the project citing these important concerns:

- Traffic calming. We have not received information regarding the costs of installing speed humps. This is the most important issue to our agreement.
- The location will be next to the longhorn gas pipeline and we are very concerned how this project will address this.

→ to July 31, 2007

We would be appreciative to receive two weeks postponement in order to be prepared with the necessary information that would help work out these last details between the parties.

Sincerely,

Will Larson

Will Larson
President, CSRNA
402 Chaparral Rd.
Austin, TX. 78745
512 444 7409
willywerks@sbcglobal.net

August 7, 2007

Ms. Wendy Walsh
City of Austin
Neighborhood Planning and Zoning Department

VIA ELECTRONIC MAIL

**Re: Zoning Case Number C14-2007-0033 and Restrictive Covenant Amendment
Case Number C2-66-001(RCA)**

Dear Ms. Walsh:

The Circle S Ridge Neighborhood Association supports the proposed zoning change and restrictive covenant amendment of the above referenced tract from L1 to MF-4 CO. Please include a copy of this letter in your files and provide a copy to the members of the City Council to consider when voting on these requests.

The representatives of the developer have collaboratively worked with our organization and others in the area to seek and include our input in this project. We appreciate their efforts, and believe this requested zoning request change and restrictive covenant amendment is appropriate and positive.

The Circle S Ridge Neighborhood Association looks forward to your vote to approve the proposed zoning change and restrictive covenant amendment on August 23, 2007. Please do not hesitate to contact me should you have any questions or comments.

Sincerely,



Will Larson
President
Circle S Ridge Neighborhood Association